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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application of: Tasadduk Hussain

Serial No.: 10/675,622

Filing Date: September 30, 2003

Confirmation No.: 6350

Title: METHOD AND APPARATUS FOR BLOWING
PLASTIC CONTAINERS

Attorney Docket: 17416-01

Group Art Unit: 1791

Examiner: S. E. McDowell

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

On January 11, 2008
(Date)

Diana Castillo
(Name of Person Signing Paper)

Diana Castillo
(Signature of Person Signing Paper)

REPLY TO EXAMINER'S ANSWER

Applicant's basic position is set forth in the Amended Appeal Brief filed July 23, 2007. This Reply is addressed to the "Response to Argument" starting at page 11 of the Answer mailed November 15, 2007.

Three-reference and four-reference combinations are relied upon to reject independent claims 29 and 28 respectively. It is uncontested that the two primary references, Gatti 4,668,117 and Farrell 3,998,577, disclose injection blow molding machines that include means for directing coolant through the core rods of the machine. However, neither reference even remotely suggests means for blocking circulation of such coolant through the core rod at one of the stations of the injection blow molding machine, such as the blow station. Nor is this feature disclosed or suggested in any of the secondary references. This alone warrants reversal of the rejections of independent claims 29 and 28.

The Examiner, at the bottom of page 11 of the answer, cites the "old saw" that an obviousness rejection cannot be attacked by attacking the individual references. However, where neither the primary references nor the secondary references disclose or suggest an element expressly recited in both independent claims 29 and 28, this alone is sufficient to warrant reversal of the rejections regardless of any other teachings of the references with respect to any other elements recited in the claims.

As to the secondary Martell 4,955,804, Ikeda 5,817,348 and Gasmire 3,065,501 references, it is apparent from the statement of rejection repeated in the Answer that the rejection is based upon the selective picking and choosing of elements in these references, totally out of the context of the teachings of the references and using the rejected claims as a guide, in an effort to

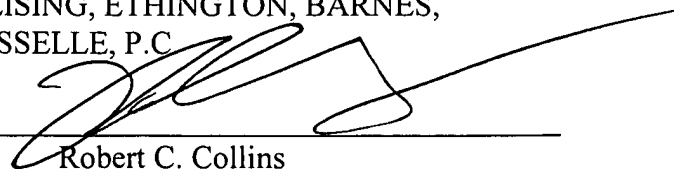
support the rejection. This procedure is inappropriate as a matter of law. See *Orthopedic Equipment Co., Inc. v. US.*, 702 F.2d 1005, 217 USPQ 193 (Fed. Cir. 1983) and the other cases cited at pages 9-10 of the Amended Appeal Brief. Martell teaches air isolation of a heated injection feeder tube, having nothing whatsoever to do with cooling a core rod in an injection blow molding machine. Ikeda relates to the use of blow mold exhaust air to perform other mold operations, having nothing whatever to do with cooling a core rod in an injection blow molding machine. Gasmire relates to recycling carbon dioxide for blowing and/or cooling an article in a blow mold, having nothing whatever to do with cooling a core rod in an injection blow molding machine. These secondary references literally have nothing to do with the primary Gatti and Farrell references, or for that matter with the subject matter claimed in the present application.

The Real Party in Interest has changed since the filing of the Amended Appeal Brief. The assignee of the present application, Owens-Illinois HealthCare Packaging Inc. is now Rexam Healthcare Packaging Inc. by change of corporate name. Rexam Healthcare Packaging Inc. is a wholly owned subsidiary of Rexam Plastic Products Inc., which is a wholly owned subsidiary of Rexam, Inc. A change-of-name will be submitted for recording in due course.

Please charge any fees associated with this submission to Account No. 50-4417 (Rexam Plastic).

Respectfully submitted,
REISING, ETHINGTON, BARNES,
KISSELLE, P.C.

By



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